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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001997

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TAGS: [IZ](#) [KDEM](#) [PGOV](#)

SUBJECT: KIRKUK THREATENS TO DERAIL PARLIAMENTARY ELECTIONS
LAW

REF: A. BAGHDAD 1921
[B](#). BAGHDAD 1475
[C](#). BAGHDAD 1964

Classified By: Charge d'Affaires Robert Ford for reason 1.4(d).

[1](#)1. (C) Summary: After three weeks of slow but steady technical progress, opportunistic politicians have slowed the momentum of efforts to draft a new national parliamentary elections law by introducing a fresh debate on the status of Kirkuk (Ref A). These actors -- members of the former July 22 group that derailed the provincial elections law exactly one year ago -- seek to link progress on national elections legislation to solutions for long-standing disputes over provincial governance in Kirkuk. In an effort to break the deadlock on Kirkuk and to help ensure adoption of a national election law before Parliament adjourns at the end of July, UNAMI conveyed a letter to parliamentary leaders on July 18 outlining options on how to deal with Kirkuk in the national elections. The linkage of the election bill to the controversial issue of Kirkuk risks the progress that has been made to date. Poloffs are pushing both Iraqis and the UNAMI Electoral Assistance Team to find a formula that will enable Parliament to pass a law that will ensure that elections are held on time in January 2010. End Summary.

Many Proposals, No Solutions

[1](#)2. (C) New proposals on how to administer voting in Kirkuk appeared immediately after vicious arguments over the disputed province derailed the Parliament subcommittee tasked with drafting a new elections law. Some politicians are now using the debate over elections to advance matters that were not resolved by the now-moribund Article 23 Committee (Ref B). The effort to link governance of the Kirkuk with the national elections debate is clear in a petition that MP Omar Jabouri of the Iraqi Islamic Party (IIP) recently circulated in the Parliament and which was signed by 51 Arab and Turcomen MPs. The Arab/Turcomen petition calls for Kirkuk's provincial elections to be held concurrently with national parliamentary elections under a special transitional law. It is centered around the proposal that, on a transitional basis, Kirkuk should be divided into four constituencies with seats being distributed equally among Arabs, Kurds, Turcomen, and others. Apparently this plan would be in place only until the work of the Article 23 Committee can be resolved. Another leading member of the petitioning group, Mohammed Tamim, said that the Speaker had assured him in private conversation that Parliament would be allowed to vote on consideration of this petition as early as July 23. The Kurds do not support the proposal because they prefer a standard vote in Kirkuk that will, in their assessment, demonstrate a Kurdish majority in this disputed province. (Note: The Arab/Turcomen proposal resembles a 2008 provincial election law that the Kurds opposed and that President Talabani ultimately vetoed. End Note.)

[1](#)3. (C) Parliament Speaker Iyad Samarrai seems interested in

finding a solution to Article 23, perhaps through a "special law" that would allow concurrent provincial and national elections in Kirkuk (Ref C). In a recent meeting with Ambassador Hill, Samarrai indicated that a quota-based solution for Kirkuk might be the best option, though he expected the Kurds to oppose the proposal and sought U.S. pressure on the Kurds to support it. On July 20, First Deputy Speaker of Parliament Sheikh Khalid Attiya told Poloffs that he was not optimistic that the Kirkuk question would be quickly solved, and he attributed the cause to the lack of progress by the Article 23 Committee. Attiya also told Poloffs that a group of Arab, Turcomen, and Kurdish representatives met to discuss the issue of how to allocate Kirkuk's 13 parliamentary representatives. Attiya complained that the Arab and Turcomen sides were exaggerating their claims to gain political points before the national election, spurring on Kurdish intransigence. Poloffs emphasized to the Deputy Speaker that the Parliament needs to find solutions that will keep the elections law moving forward.

UNAMI Weighs the Options

¶4. (C) On July 19, UNAMI delivered to Speaker Samarrai a technical analysis of some of the proposed solutions for the Kirkuk issue. The UNAMI Electoral Assistance Team prepared the letter in an attempt to keep the effort toward a national elections law on track. The letter contained major recommendations, as well as a proposal. First, UNAMI recommends against the exclusion of Kirkuk from a national election in 2010, an idea suggested by some who wanted to

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circumvent arguments by simply delaying national elections in Kirkuk. UNAMI argued that excluding Kirkuk in a national parliamentary election would effectively disenfranchise an entire governorate from the Parliament and violate the spirit and the intent of the Iraqi Constitution. Next, UNAMI argued against the idea of dividing Kirkuk into additional districts for the purposes of the national election -- an action suggested by the Arab/Turcomen petition. From a technical standpoint, UNAMI warns that dividing Kirkuk into districts would require a boundary delimitation exercise and a separate voter registration process, both of which are too time consuming to be practical for a January election date. In its third recommendation, UNAMI advises against a power-sharing agreement for the distribution of Kirkuk's seats in the Parliament, emphasizing that there is not enough time to prepare separate voters lists to facilitate and implement such an arrangement. UNAMI adds that implementing a power sharing scheme for representatives of Kirkuk in the Parliament would not affect governance in Kirkuk as immediately as power sharing at the provincial level.

¶5. (C) In the letter to the Speaker, UNAMI endorses the inclusion of Kirkuk in the national parliamentary elections as "the most practical and technically feasible option at this late date." UNAMI also recommends that one voter registry be used to conduct the January national parliamentary elections. However, recognizing the challenges of the special circumstances in Kirkuk, including a very high level of mistrust among the players, UNAMI suggests that the Independent High Electoral Commission, with the support of UNAMI, could incorporate new confidence-building measures to increase the transparency of voter registration in Kirkuk. Such measures might include extending the period during which challenges and complaints related to voter registration can be filed by political parties; sharing copies of the voter lists with certified political entities in Kirkuk; encouraging representation of all ethnicities at each of Kirkuk's voter registration centers; and enhancing daily reporting on the voter registration update by IHEC. In its overall position, UNAMI does not suggest that voter registration in Kirkuk be used as a determinant of residency

in Kirkuk.

Initial Reactions

¶6. (C) Sandra Mitchell, chief of UNAMI's Electoral Assistance Team, shared some initial reactions to the UNAMI proposal with Poloff. After meeting with Omar Jabouri, she reported that he seemed uncertain about how, exactly, power sharing in Kirkuk would be implemented per the Arab/Turcomen petition he circulated. When she asked him for a map that would illustrate how to divide Kirkuk into four districts, he reacted with surprise. When she explained the technical challenges to implementing a separate voter list in Kirkuk, only then did he seem to understand that it would not be a simple undertaking. As the conversation continued, it was Mitchell's assessment that Jabouri's intention is to reserve the allotment of seats in Kirkuk evenly among Kurds, Arabs, and Turcomen with minorities picking up the rest. Mitchell reports that, from a technical perspective, this proposal can be implemented -- e.g., by quotas assigned along ethnic constituencies -- so long as there is no attempt to add to or change the single, nationwide voter list. Poloffs have expressed strong support to UNAMI for its practical solutions, and have encouraged Mitchell to keep engaging with Qsolutions, and have encouraged Mitchell to keep engaging with Jabouri and others to address their concerns through options that will not delay the electoral timeline.

Comment

¶7. (C) Parliament's Legal Committee is currently amending the 2005 law and hopes to submit it before recess. Parliament will likely adjourn at the end of July for a probable month-long break; this would leave very little time for a vote. It is unlikely Parliament will hold an extraordinary session in August. This reemergence of the bitter dispute over Kirkuk and the identity of the Iraqi state is jeopardizing credible and timely national elections -- elections that Iraqi politicians understand will alter the balance of power in the parliament and central government. Poloffs continue to engage with a broad cross-section of MPs and party bloc leaders to encourage MPs to increase cooperation with the aim of passing a law that will ensure January elections.
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